

OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 23/00915/F

Proposal: : Planning Application for Development within Use Classes E(g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and associated works including access and parking (relating to proposed Buildings 8, 9, 10 and 11)

Location: Buildings 8-11, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN

Response Date: 22/05/2023

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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General Information and Advice

Recommendations for approval contrary to OCC objection:

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

Outline applications and contributions

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - £130.00**
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

Security of payment for deferred contributions - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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Transport Schedule

Recommendation:

No objection subject to:

- S106 Contributions as summarised in the table below and justified in this Schedule:
- Planning Conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Traffic Regulation Order	£3,652	April 2023	RPI-x	To consult upon, and if approved, implement a 20mph speed restriction along Langford Lane between the junctions with the Boulevard and the A4260
Travel Plan Monitoring Fee	£3,780	April 2023		To monitor the Travel Plans for a period of 5 years post occupation

Comments:

Traffic Impact

The overall employment floor area for the Oxford Technology Park would amount to a c.17% increase over that permitted under the 2014 Outline permission. TA sets out there will be expected increase in trips over Outline permission, even with revised lower vehicle trip rates. This is to be expected given the increased floor area now proposed along with the hotel that is now on site. The Transport Assessment suggests that this increase in vehicle trips would not directly lead to significant traffic impacts, in terms of congestion at key local junctions, when assessed against recent traffic flows.

If OCC are to accept the revised vehicle trip rate, which is below that forecast under the Outline application, then this logically means that a greater proportion of the staff will be travelling to the site by sustainable transport (and some may be travelling outside of peak network hours). Under the County Council's LTCP policies and Kidlington Local Cycling and Walking Infrastructure Plan, increased use of sustainable transport is to be encouraged but with improvements required to key routes in order to facilitate this trend.

Accessibility

An index-linked contribution of £250,000 was secured from the Outline planning application towards the provision of improved bus services to the site. This contribution is currently being used to provide an appropriate level of public transport service to the site.

Given the increase in development at the site above that permitted at the Outline stage, and the associated increase in forecast trips to the site, the county council considers it would be appropriate for robust Travel Plans to be adopted for the remaining units outlining additional measures to incentivise sustainable travel by staff to the site. This should include measures such as subsidised bus passes. This measure would be necessary to achieve the higher sustainable travel mode share being proposed in the Transport Assessment with the current application.

The Kidlington LCWIP identifies that there is a lack of suitable cycle infrastructure on the eastern end of Langford Land, from the roundabout junction with The Boulevard to the junction with Banbury Road. The LCWIP proposes to improve this section of Langford Lane through a reduction in the speed limit along this stretch to 20mph to enable a safer and more amenable environment for cyclists to cycle on the carriageway.

A TRO consultation fee is sought from the development in order to consult on, and if approved, implement the speed restriction along this stretch of Langford Lane. This would be of direct benefit to staff accessing the site by sustainable modes and would also mitigate the impact of increased traffic on the route as a result of the current application.

A condition is requested to restrict occupation of the units that are subject to this application prior to the completion of the highway works to create an off-carriageway cycle route between the Oxford Technology Park and the A44 on Langford Lane. These works were secured against the Outline planning permission.

Layout, Parking and Cycle Parking

The proposed layout follows the same pattern of development as the units already constructed / those already permitted on site and is considered suitable.

The level of parking proposed, including the provision of EV charging infrastructure meets the County Council's Parking Standards and is also considered appropriate for the development.

The provision for cycle parking follows that for the existing and permitted units and the level of cycle parking proposed is acceptable taking account of the likely use of the development.

Travel Plan

A requirement for a Framework Travel Plan for the Technology Park was secured under the Outline planning application and subsequent applications. The Framework Travel Plan has not yet been agreed. All subsequent Travel Plan related documents should refer to the overarching aims and objectives and targets of the Framework Travel Plan, once agreed.

Based on the information provided, the Travel Plan requirement for the individual units that are subject to this application will be:

Units 8a, 8b, 9a and 9b – Travel Plan Statement for each unit.

These should be produced prior to occupation. Further information regarding the required criteria and template can be found within appendix 4 of the OCC guidance document – Transport for New Developments – Transport Assessments and Travel Plans March 2014’.

Building 10 – Travel Plan and associated monitoring fee (£1,890)

This should be produced prior to first occupation and then updated within 3 months of occupation, once adequate survey data is available. Further information regarding the required criteria and template can be found within appendix 5 of the OCC guidance document – Transport for New Developments – Transport Assessments and Travel Plans March 2014’. A travel plan monitoring fee of £1,890 (RPI index linked) is required to enable the travel plan to be monitored for a period of five years.

Building 11 – Travel Plan and associated monitoring fee (£1,890)

This should be produced prior to first occupation and then updated within 3 months of occupation, once adequate survey data is available. Further information regarding the required criteria and template can be found within appendix 5 of the OCC guidance document – Transport for New Developments – Transport Assessments and Travel Plans March 2014’. A travel plan monitoring fee of £1,890 (RPI index linked) is required to enable the travel plan to be monitored for a period of five years.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£3,652 Traffic Regulation Order Contribution indexed from April 2023 using RPI-x

Towards:

To consult upon, and if approved, implement a 20mph speed restriction along Langford Lane between the junctions with the Boulevard and the A4260.

Justification:

Since the grant of Outline permission on the development site, the county council has adopted a new Local Transport and Connectivity Plan, Decide and Provide methodology and Kidlington LCWIP. These documents all set out the county council's focus towards cutting carbon emissions and providing for greatly improved access to sustainable transport.

The current application sets out that the total floor area of the development will exceed that permitted under the Outline permission. As set out in the Transport Assessment, this will lead to an increase in vehicle movements at the site. This is despite the revised trip rates being put forward by the applicant, which suggest a higher sustainable transport mode share.

The section of Langford Lane between the Boulevard and the A4260 currently lacks any suitable cycle infrastructure. The Kidlington LCWIP outlines that, in order to improve the environment for cyclists accessing the Langford Lane employment areas, a 20mph restriction is proposed for that stretch. This would not only provide a significantly improved environment for cyclists accessing the development site along this route, but would also help to mitigate the impact of increased vehicle movements along this stretch as a result of the current application.

Policy KCW 1: The County Council will improve the Kidlington Area cycling and walking network in line with the network proposals in the Kidlington Area LCWIP, Oxfordshire Cycle Design Standards (OCDS), and Oxfordshire Walking Design Guide (OWDG) and national guidance. This includes ensuring that the network is prioritised in other transport and road plans.

Policy KCW 2: The County Council in partnership with Cherwell Council will work with developers to improve the Kidlington Area cycling and walking network including by S106 and S278 works. Kidlington Area LCWIP Cycle and Walking Network will be a material consideration in the approval and network plans of new developments. Route continuity is essential in the planning and delivery process.

Calculation:

The contribution is calculated on a standard charge which applies for administrative costs for TROs throughout Oxfordshire. This charge also includes the costs for public consultation required for the proposed TRO.

The County Council's costs for new or amended TROs is £3,652 for each instance.

The County Council considers that its TRO fee is fairly and reasonably related in scale and kind to the development.

£3,780 Travel Plan Monitoring Fee indexed from April 2023 using RPI-x

Justification:

The travel plan aims to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A travel plan is required to make this development acceptable in planning terms.

A travel plan is a 'dynamic' document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review.... Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the county council that without monitoring the travel plan is likely to be ineffective. Therefore, monitoring of the travel plan is required to make the development acceptable in planning terms.

The government's Good Practice Guidance has been archived but has not been superseded with any other guidance on the practicalities of implementing travel plans. The county council's own published guidance: Transport for new developments; Transport Assessments and Travel Plans, also includes the requirement for monitoring.

Further, the Good Practice Guidance states that 'local authorities should consider charging for the monitoring process and publish any agreed fee scales'.

Section 93 of the Local Government Act 2003 gives the power to local authorities to charge for discretionary services. These are services that an authority has the power, but not a duty, to provide. The Travel Plan Monitoring fee is set to cover the estimated cost of carrying out the above activities and is published in the county council's guidance: 'Transport for new developments; Transport Assessments and Travel Plans'.

As with most non-statutory activities, councils seek to cover their costs as far as possible by way of fees. This is particularly required in the current climate of restricted budgets. Without the fees the council could not provide the resource to carry out the activity, as it is

not possible to absorb the work into the general statutory workload. In the case of travel plan monitoring, the work is carried out by a small, dedicated Travel Plans team.

The travel plan monitoring fee is therefore required to make the development acceptable in planning terms, because it enables the monitoring to take place which is necessary to deliver an effective travel plan.

Calculation:

Two Travel Plan monitoring fees of £1,890 each for units 10 and 11.

The fee charged is for the work required by Oxfordshire County Council to monitor a travel plan related solely to this development site. They are based on an estimate of the officer time required to carry out the following activities:

- review the survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Oxfordshire County Council guidance –***Transport for new developments: Transport Assessments and Travel Plans*** sets out two levels of fees according to the size of the development. This development falls into the smaller category.

The figure for each travel plan is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation), and assumes officer time at an hourly rate. Please note that this is considered a fair rate, set to include staff salary and overheads alone.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Highway Works

Prior to first occupation of the development hereby approved, details of the timetable for implementation of the cycleway to Langford Lane, approved under planning permission 14/02067/OUT, shall be submitted to and agreed in writing by Local Planning Authority. The cycleway shall be implemented in accordance with the agreed timescale.

Reason: To encourage the use of sustainable modes of transport and to ensure appropriate infrastructure is delivered in accordance with Policy INF1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Policy TR1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Construction Traffic Management Plan

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 09.30 and 16.30. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers.

Travel Plans

Prior to the first occupation of the development hereby approved, individual Travel Plans for Units 10 and 11, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

Travel Plan Statements

Prior to the first occupation of the development hereby approved, Travel Plan Statements for Units 8a, 8b, 9a and 9b, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statements shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

Officer's Name: Tim Peart

Officer's Title: Senior Transport Planner

Date: 22/05/2023

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Lead Local Flood Authority

Recommendation:

Objection

Key issues:

- Flood risk assessment to be provided.
- Infiltration testing location plan to be provided.
- Surface water catchment plan to be provided.
- SuDS construction details drawing to be provided.
- Maintenance schedule to be provided.

Detailed comments:

Provide flood risk assessment for the site, demonstrating all sources of flooding posed on the site and how the proposed development will mitigate flood risk.

Provide location plan of the infiltration testing conducted on site.

Provide surface water catchment plan, demonstrating the extent of the impermeable areas and where it will be draining to. Provide the area for each catchment on the plan.

Provide SuDS construction details drawing.

Provide maintenance schedule for the proposed development, identifying all maintenance requirements for the SuDS and the maintenance company details.

Officer's Name: Kabier Salam

Officer's Title: LLFA Engineer

Date: 03/05/2023

Application no: 23/00915/F

Location: Buildings 8-11, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN

Archaeology

Recommendation:

The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Key issues:

Legal agreement required to secure:

Conditions:

Informatives:

Detailed comments:

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

Date: 20/04/2023